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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 RUBEN E. SANCHEZ,
11 Plaintiff,
12 v.
13 RUSTY SMITH, *et al.*,
14 Defendants.

Case No. C05-5426RBL

ORDER GRANTING
SUMMARY JUDGMENT

15 The Court, having reviewed plaintiff's complaint, the Report and Recommendation of Magistrate
16 Judge J. Kelley Arnold, objections to the report and recommendation, if any, and the remaining record,
17 does hereby find and ORDER:

18 (1) The Court adopts the Report and Recommendation;
19 (2) Defendant Bergs' motion for summary judgment is GRANTED;
20 (3) Plaintiff's motion for default is DENIED; and
21 (4) The Clerk is directed to send copies of this Order to plaintiff and to the Hon. J. Kelley
22 Arnold

23 DATED this 20th day of June, 2006.

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26 RONALD B. LEIGHTON
27 UNITED STATES DISTRICT JUDGE
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